IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4808 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VALLABHNAGAR CO-OPERATIVE HOUSING SOCIETY LTD.

Versus

DECD. PRANLAL PRABHUDAS THRO' HIS HEIRS AND LRS.

Appearance:

1. Special Civil Application No. 4808 of 2003

MR RAVINDRA SHAH for Petitioner No. 1

..... for Respondent No. 1-1/1

MR MHM SHAIKH for Respondent No. 1/1/1

MS RATNA VORA for Respondent No. 1/1/1-1/1/3

NOTICE SERVED BY DS for Respondent No. 1/2-1/5-1/1/3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 13/09/2004

ORAL JUDGEMENT

1. Rule. Mr.M.H.M.Shaikh, learned advocate waives service of rule on behalf of respondents. With the consent of the learned advocates for the parties, the matter is taken up for final hearing today.

2. In this petition under Article 227 of the Constitution of India the petitioner has challenged the legality and validity of the order passed by the Gujarat State Co-operative Tribunal dated 21.2.2003, passed in Revision Application No.227 of 2001, in allowing the revision application, however, modifying the order passed by the Board of Nominee dated 4.5.2001 passed below Exh.6 passed in Restoration Application No.26 of 2001. The Board of Nominee has granted the ad-interim relief in terms of para 6(a) and 6(b). So far as interim relief in terms of para 6(b) is concerned, it is mandatory in nature.

3. It is an admitted position that, the application below Exh.6 is still pending and even restoration application is also pending. The order passed by the Gujarat State Co-operative Tribunal dated 21.2.2003 is stayed by this Court while issuing the notice and the said interim relief is in operation till date. Therefore, under the circumstances, this Court proposes to dispose of the present Special Civil Application by issuing following directions:

(i) The Board of Nominee, Ahmedabad, is directed to decide and dispose of the Restoration Application No.26 of 2001, as early as possible, and preferably within a period of six months from the date of receipt of this order.

(ii) Till the restoration application is decided, the ad-interim relief granted by this Court in this petition is directed to be continued.

4. With these observations and directions, this petition is disposed of. Rule is discharged with no order as to costs. D.S. is permitted.

(M.R. Shah, J.)

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